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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tomoyuki Okada

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SNELL & WILMER L.L.P. (Panasonic)

600 ANTON BOULEVARD

SUITE 1400

COSTA MESA, CA 92626

EXAMINER

DUNN, MISHAWN N

ART UNIT

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,809	Applicant(s) OKADA ET AL.	
	Examiner MISHAWN DUNN	Art Unit 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 5-10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 11/24/10, with respect to the rejection(s) of claim(s) 1-3 and 5-15 under 35 USC 102 have been fully considered and the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of a previously applied reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yahata et al. (US Pub. No. 2006/0045481).

4. Consider claim 1. Yahata et al. teaches a recording medium (para. 0064), comprising: a digital stream (para. 0070); a plurality of pieces of playback path information, each indicating a playback path for the digital stream (para. 0079; fig. 7); and a control program instructing a playback device to play the digital stream using the playback path information, wherein the control program includes a selection procedure which causes the playback device to compare a value stored in a status register to a

constant, and select at least one of the pieces of playback path information (paras. 0235-0253), according to the result of the comparison, the value indicating an age of a user set on the playback device (para. 0248, it is inherent that a user age has been set and compared in order for a parental level to be set).

5. Consider claim 2. Yahata et al. teaches the recording medium of claim 1, wherein the control program instructs the playback device to check a register-stored value indicating one of a country, and the selection procedure is performed only if the register-stored value is a predetermined value (paras. 0251-0253).

6. Consider claim 3. Yahata et al. teaches a playback device (fig. 27), comprising: an execution unit operable to execute a control program recorded on a recording medium; a playback unit operable to play a digital stream recorded on the recording medium (para. 0256); and a plurality of status registers (paras. 0235-0254), wherein the recording medium has a plurality of pieces of playback path information recorded thereon (para. 0079; fig. 7), one of the status registers stores therein a value indicating an age of a user, the execution unit executes the control program to compare the value stored in the status register to a constant, and selects at least one of the pieces of playback path information according to a result of the comparison (para. 0248, it is inherent that a user age has been set and compared in order for a parental level to be set), and the playback unit plays the digital stream based on the selected at least one of the pieces of playback path information (paras. 0138-0140).

7. Consider claim 13. Yahata et al. teaches all of the claimed limitations as stated above, in addition to a program causing a computer to perform playback processing of a digital stream (claim 4).
8. Claims 14 and 15 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata et al. (US Pub. No. 2006/0045481) in view of Nakamura (US Pat. No. 6,847,777).
11. Yahata et al. teaches all claimed limitations as stated above, except wherein one of the status registers stores therein a numeric indicating an age of a user, another one of the status registers stores therein a date of birth of the user, and the age-indicating numeric is calculated from the date of birth and a current date.

However, Nakamura teaches storing a numeric indicating an age of a user, storing a date of birth of the user, and the age-indicating numeric is calculated from the date of birth and a current date (abstract; col. 7, lines 8-29; fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to store a numeric indicating an age of a user, to

store a date of birth of the user, and the age-indicating numeric is calculated from the date of birth and a current date, in order to determine the allowance/non-allowance of playback based on parental lock information.

Allowable Subject Matter

12. Claims 5-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2484

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
March 16, 2011